IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2863 OF 2007

Narendra J. Chetnani & Anr..... ....Petitioners
V/s
State of Maharashtra & Ors..... ....Respondents.

Mr.Sachin V.Masukar, Adv. For the petitioners.

Ms.Mamta Sadh with Ms.Menakshi Mhapankar i/by M/s.V.Deshpande & Co., Advocates for respondent Nos. 2 and 4.

CORAM: A.P.DESHPANDE, J.
27/8/07

PC:

A certificate issued under section 101 of the Maharashtra Cooperative Societies Act against the petitioners has been challenged in the present writ petition as bank is proposing to execute the said certificate. At the outset the learned counsel for the respondent-bank raises preliminary objection to the maintainability of the petition by contending that remedy by way of revision is available to the petitioner under section 154 but the same has not been resorted to as there is condition of pre-deposit of 50% of the amount. Under sub-section 2A of section 154 a person seeking to challenge recovery certificate is required to deposit 50% of the amount covered by the certificate. With a view to avoid the said deposit present petition has been filed. Learned counsel for the petitioner submits that pure question of law is involved and hence

writ petition be entertained. I am not in agreement with the submission. Hence writ petition is dismissed. However the petitioner is granted liberty to file appropriate revision before the Divisional Joint Registrar after complying with condition of pre-deposit. Learned counsel for the petitioner submits that status quo as of today be continued for a period of four weeks. Said prayer is opposed. However in the interest of justice though writ petition is summarily dismissed status quo as of today in regard to attached property shall continue for a period of four weeks.

27.8.07